

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                   |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | ) | 4:09CR3028        |
|                           | ) |                   |
| Plaintiff,                | ) | <b>MEMORANDUM</b> |
| v.                        | ) | <b>AND ORDER</b>  |
|                           | ) |                   |
| CRAIG A. WORKMAN,         | ) |                   |
|                           | ) |                   |
| Defendant.                | ) |                   |

This matter is before the court on a report and recommendation by Magistrate Judge Piester ([filing 14](#)), recommending that the defendant's motion to dismiss ([filing 12](#)) be denied in all respects. The defendant, Craig A. Workman, appearing pro se, has filed a statement of objections ([filing 16](#)) pursuant to [NECrimR 57.3](#) and [28 U.S.C. § 636\(b\)\(1\)](#).

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the magistrate judge's report and recommendation should be adopted and the defendant's statement of objections and motion to dismiss should both be denied.

The magistrate judge's report incorrectly states that the defendant was indicted rather than being charged by information, but this misstatement does not affect the determination that there is no merit to the defendant's contention that the charges against him should be dismissed because subject matter jurisdiction and personal jurisdiction are lacking. See [Schook v. United States, 337 F.2d 563, 567 \(8th Cir. 1964\)](#) ("There is no essential difference in the function or consequence of an 'indictment' and an 'information'.").

Accordingly,

IT IS ORDERED that:

1. the magistrate judge's report and recommendation ([filing 14](#)) is adopted;
2. the defendant's statement of objections ([filing 16](#)) is denied; and
3. the defendant's motion to dismiss ([filing 12](#)) is denied in all respects.

June 9, 2009.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge